

AMENDED IN SENATE AUGUST 11, 2014

AMENDED IN ASSEMBLY MAY 5, 2014

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2657

Introduced by Assembly Member Bloom

February 21, 2014

An act to add Section 12978.7 to the Food and Agricultural Code, relating to fish and wildlife protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2657, as amended, Bloom. Wildlife habitat areas: use of anticoagulants.

Existing law regulates the use of pesticides and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of any pesticide, as prescribed. Existing law requires the use of any pesticide by any person to be in such a manner as to prevent substantial drift to nontarget areas. Existing law requires public property where public exposure is foreseeable to be posted with warning signs prior to pesticide applications, as specified. Existing law requires the director, and each county agricultural commissioner under the direction and supervision of the director, to enforce the provisions regulating the use of pesticides. A violation of these provisions is a misdemeanor.

This bill would prohibit, except as specified, the use of any pesticide that contains one or more of specified anticoagulants, including brodifacoum and bromadiolone, in wildlife habitat areas, as defined. *The bill would direct state agencies to encourage federal agencies to comply with this prohibition.*

To the extent the bill would impose additional duties on county agricultural commissioners, and because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12978.7 is added to the Food and
2 Agricultural Code, to read:
3 12978.7. (a) Except as provided in subdivision ~~(e)~~, (d), the
4 use of any pesticide that contains one or more of the following
5 anticoagulants is prohibited in a wildlife habitat area:
6 (1) Brodifacoum.
7 (2) Bromadiolone.
8 (3) Difenacoum.
9 (4) Difethialone.
10 (b) As used in subdivision (a), a “wildlife habitat area” means
11 any state ~~or national~~ park, state ~~or federal~~ wildlife refuge, or state
12 conservancy.
13 (c) *State agencies are directed to encourage federal agencies*
14 *to comply with subdivision (a).*
15 ~~(e)~~
16 (d) This section does not apply to the use of pesticides for
17 agricultural activities, as defined in Section 564.
18 (e) *This section does not preempt or supersede any federal*
19 *statute or the authority of any federal agency.*
20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution for certain
22 costs that may be incurred by a local agency or school district

1 because, in that regard, this act creates a new crime or infraction,
2 eliminates a crime or infraction, or changes the penalty for a crime
3 or infraction, within the meaning of Section 17556 of the
4 Government Code, or changes the definition of a crime within the
5 meaning of Section 6 of Article XIII B of the California
6 Constitution.

7 However, if the Commission on State Mandates determines that
8 this act contains other costs mandated by the state, reimbursement
9 to local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

O